

Message Text

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C O N F I D E N T I A L GENEVA 7079

LIMDIS/NOFORN

E.O. 11652: GDS

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE: ISSUES OF CONCERN TO ROMANIA

REF: A) STATE 246486; B) STATE 255675

1. SUMMARY: WE CARRIED OUT INSTRUCTIONS
REFTELS IN NOV 20 MEETING WITH AMBASSADOR LIPATTI,
EMPHASIZING THAT WE ARE GIVING CAREFUL STUDY TO ROMANIAN
VIEWS AND THAT WE WISH TO BE AS HELPFUL AS POSSIBLE,
WHILE OF COURSE TAKING INTO ACCOUNT US AND ALLIED INTERESTS.
IT WAS AGREED THAT THE TWO DELEGATIONS WOULD REMAIN IN
CLOSE AND FREQUENT CONTACT ON THESE MATTERS. LIPATTI
HANDED US NEW DRAFT FOR PARA 3 OF ROMANIAN NON-USE OF
FORCE (NUF) PROPOSAL AND MADE STRONG PLEA THAT WE REFRAIN
FROM INSISTING ON REFERENCE TO UN CHARTER. SUCH A
REFERENCE, HE SAID, WOULD "KILL" PARA 3 AND EMPTY
ROMANIAN NUF PROPOSAL OF ITS SUBSTANTIVE SIGNIFICANCE.
LIPATTI THEN GAVE US FOUR SUGGESTED PREAMBULAR
REFERENCES TO UN OR TO UN CHARTER WHICH HE HOPED
WOULD MEET OUR NEEDS ON THIS POINT. REQUEST FURTHER
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GUIDANCE ON NUF ISSUE. END SUMMARY.

2. ROMANIAN NUF PROPOSAL -- LIPATTI SAID REVISED TEXT (BELOW) OF PARA 3 OF NUF PROPOSAL HAD BEEN "WRESTED" FROM SOVIETS AFTER 8 MONTHS OF ARDUOUS AND ABRASIVE BILATERAL NEGOTIATIONS. IN ROMANIAN VIEW, IT PROVIDES SOME PROTECTION AGAINST SOVIET USE OF ARTICLES 53 AND 107 OF UN CHARTER AS PRETEXT TO JUSTIFY USE OF FORCE AGAINST ROMANIA AND THUS SATISFIES BASIC REQUIREMENTS. LIPATTI PLED REPEATEDLY THAT WE REFRAIN FROM INSISTING UPON INCLUSION OF REFERENCE TO UN CHARTER, WHICH HE SAID WOULD DEPRIVE PARA 3 OF ALL SIGNIFICANCE.

3. ENGLISH TEXT OF NEW VERSION OF PARA 3 READS AS FOLLOWS:

BEGIN QUOTE:

TO REFRAIN, IN ACCORDANCE WITH THEIR DUTY IN RESPECT TO NON-USE OF FORCE, FROM ANY USE OF MILITARY FORCE AGAINST ANOTHER PARTICIPATING STATE INCONSISTENT WITH THE PURPOSES AND PRINCIPLES OF THE UNITED NATIONS AND OF THE PRESENT (TITLE OF THE DOCUMENT), INCLUDING FROM INVADING OR ATTACKING THE TERRITORY OF SUCH A STATE. END QUOTE.

4. LIPATTI EXPLAINED THAT "(TITLE OF THE DOCUMENT)" WAS NOT INTENDED TO BE THE TITLE OF THE NUF PAPER ITSELF. RATHER, ROMANIANS FORESAW FILLING THIS BLANK EITHER WITH THE TITLE OF THE DECLARATION OF PRINCIPLES OR WITH THE TITLE OF THE OVERALL "POLITICAL" DOCUMENT ON SECURITY WHICH WOULD EMERGE FROM CSCE AGENDA ITEM I AND WHICH WOULD PROBABLY INCLUDE SECTIONS ON THE PRINCIPLES DECLARATION, SWISS PEACEFUL SETTLEMENT OF DISPUTES PROPOSAL, ROMANIAN NUF PROPOSAL, AND MILITARY SECURITY, ALONG LINES OF HELSINKI BLUE BOOK. LIPATTI SAID SUCH AN ARRANGEMENT WOULD BE ACCEPTABLE TO ROMANIA, AND WOULD ALSO, HE THOUGHT, BE ULTIMATELY ACCEPTABLE TO THE SOVIETS. HE SPECIFIED THAT ROMANIANS COULD NOT ACCEPT THAT THEIR DOCUMENT BE SPLIT UP AND DISPERSED AMONG THE PRINCIPLES AND MILITARY SECURITY PAPERS.

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5. WE RESPONDED THAT OUR PRESENT INSTRUCTIONS ON PARA 3 OF NUF PROPOSAL WOULD OBLIGE US TO PROPOSE A REFERENCE TO THE CHARTER; "PURPOSES AND PRINCIPLES OF THE UNITED NATIONS" WOULD NOT REPEAT NOT BE SUFFICIENT. WE UNDERTOOK TO STUDY CAREFULLY NEW ROMANIAN SUGGESTIONS FOR PREAMBULAR LANGUAGE (TEXT BELOW) BUT SAID THAT DELEGATION'S INITIAL AND TENTATIVE REACTION WAS THAT IT MIGHT BE DIFFICULT TO MEET US CONCERNS VIA A PREAM-

BULAR REFERENCE TO THE UNITED NATIONS OR TO THE UN CHARTER. WE POINTED OUT SIGNIFICANCE OF THIS ISSUE FOR OUR POSITION ON BERLIN AND REMINDED LIPATTI THAT INTERESTS OF FRANCE, UK AND FRG WERE ALSO DIRECTLY ENGAGED. WE SAID WE WOULD CONVEY NEW ROMANIAN TEXTUAL FORMULATIONS TO THE DEPARTMENT AND REQUEST EARLY INSTRUCTIONS.

6. TEXT OF FOUR VARIANTS OF POSSIBLE PREAMBULAR FORMULATIONS PROPOSED BY ROMANIANS FOLLOW (INFORMAL TRANSLATION FROM THE FRENCH):

BEGIN QUOTE:

A. TAKING INTO ACCOUNT THE FUNCTIONS AND POWERS OF THE UNITED NATIONS WITH RESPECT TO THE MAINTENANCE AND THE RESTORATION OF PEACE AND INTERNATIONAL SECURITY;

B. TAKING INTO ACCOUNT THE FUNCTIONS AND POWERS OF THE UNITED NATIONS TO UNDERTAKE COLLECTIVE MEASURES FOR THE PREVENTION AND REMOVAL OF THREATS TO THE PEACE AND FOR THE SUPPRESSION OF ACTS OF AGGRESSION OR OTHER BREACHES OF THE PEACE;

C. TAKING INTO ACCOUNT THE PURPOSES AND PRINCIPLES AND THE PROVISIONS OF THE CHARTER CONCERNING ACTION IN CASE OF THREATS TO THE PEACE, BREACHES OF THE PEACE AND ACTS OF AGGRESSION;

D. TAKING INFO ACCOUNT THE PURPOSES AND PRINCIPLES AND THE PROVISIONS OF THE CHARTER OF THE UNITED NATIONS CONCERNING LEGITIMATE DEFENSE AGAINST ARMED AGGRESSION AND COLLECTIVE MEASURES TO BE TAKEN IN THE CASE OF THREATS TO THE PEACE, BREACHES OF THE PEACE AND ACTS OF AGRESSION.
END QUOTE.

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7. ROMANIANS WILL OFFICIALLY CIRCULATE NEW VERSION OF PARA 3 TO OTHER DELEGATIONS IN THE NEXT FEW DAYS AND TABLE TEXT IN SPECIAL WORKING BODY SESSION SCHEDULED FOR FRIDAY NOV 29. WE TOLD LIPATTI THAT, UNLESS WE RECEIVED NEW INSTRUCTIONS, WE WOULD BE REQUIRED AT AN APPROPRIATE POINT IN SUBCOMMITTEE DISCUSSIONS TO PROPOSE A REFERENCE TO THE UN CHARTER. WE ASKED WHETHER PLACING BOTH THE PRESENT ROMANIAN FORMULATION ("INCONSISTENT WITH THE PURPOSES AND PRINCIPLES OF THE UNITED NATIONS") AND US PREFERENCE (INCONSISTENT WITH THE CHARTER OF THE UN) WITHIN BRACKETS, AS HAD BEEN DONE IN NON-USE OF FORCE PARA IN PRINCIPLES DECLARATION, WOULD NOT BE SATISFACTORY INTERIM SOLUTION, PERMITTING FIRST READING OF PARA 3 AND PROVISIONAL REGISTRATION OF ENTIRE NUF PROPOSAL. LIPATTI REPLIED

THAT THIS WOULD ENBROIL US IN A DISPUTE FROM THE
OUTSET. HE ASKED WHETHER WE COULD NOT SIMPLY EXPRESS
AN EXPLICIT RESERVATION DURING SUBCOMMITTEE DISCUSSIONS,
WHILE BILATERAL EFFORTS TO RESOLVE DIFFICULTY WERE
PURSUED. WE SAID WE WOULD REFLECT ON THIS POSSIBILITY
AND CONSULT WITH THREE OTHER WESTERN DELEGATIONS MOST
DIRECTLY CONCERNED.

8. CONFERENCE FOLLOW-UP -- IN BRIEF DISCUSSION
OF THIS ISSUE, WE SAID THAT WE WOULD CONTINUE FORMALLY
TO SUPPORT DANISH PROPOSAL FOR POST-CONFERENCE PRO-
BATIONARY PERIOD. HOWEVER, WE ARE GIVING CAREFUL
ATTENTION TO ALL PROPOSALS NOW ON THE TABLE AND
EXPECT COMPROMISE CAN BE FOUND WHEN STAGE II IS
CLOSER TO A CONCLUSION. LIPATTI SAID HE UNDERSTOOD
OUR POSITION, AGREED ISSUE WAS NOT YET RIPE FOR SETTLE-
MENT AND SUGGESTED BOTH DELEGATIONS REMAIN IN CLOSE
TOUCH ON THIS MATTER. WA RESONDED THAT WE WOULD
WELCOME SUCH CONTACTS.DALE

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